

### REMARKS

The Examiner has rejected Claims 8-14 under 35 U.S.C. 103(a) as being unpatentable over Tanabe et al. (U.S. Patent Application No. 2003/0066817) in view of Pierson et al. (U.S. Patent Application No. 2001/0025826). Applicant respectfully traverses Examiner's rejection and requests reconsideration for the following reasons.

Applicant has amended independent Claim 8 to more clearly define the invention. Specifically, Claim 8 has been amended to state that the nitrogen containing gas is introduced into the vacuum chamber at a volumetric flow rate that is less than the volumetric flow rate of the hydrogen bromide containing gas. See original specification at page 8, lines 13-15 where the volumetric flow rate for N<sub>2</sub> is given as 9 sccm and the volumetric flow rate for HBr is given as 60 sccm for one of the preferred embodiments.

Whereas, Pierson et al. teach "the amount of nitrogen gas added must exceed the volumetric measure of chlorinated gas in sccm." See Paragraph 19 of U.S. Patent Application No. 2001/0025826. Therefore, Pierson et al. teach away from the current invention.

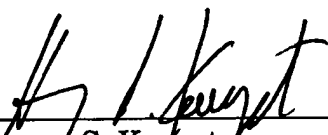
Since Pierson et al. teach away from introducing the nitrogen containing gas at a volumetric flow rate that is less than the volumetric flow rate of the hydrogen bromide containing gas, the amendments as stated

herein overcome all rejections. It is therefore respectfully urged that a prima facie showing of anticipation or obviousness has not been made.

All grounds of rejection having been overcome by the amendments hereinabove, reconsideration and a Notice of Allowance is respectfully requested.

Favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "H. S. Kauget", is written over a horizontal line.

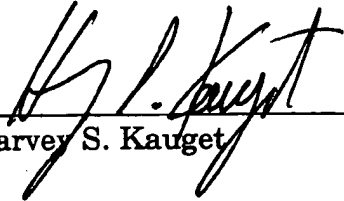
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing Amendment B was placed in an envelope and mailed via U.S. First Class Mail, postage prepaid to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this the 17th day of January, 2006.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

  
Harvey S. Kauget

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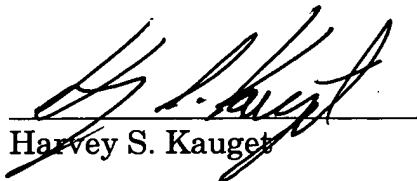
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I HEREBY CERTIFY that the enclosed Request for Continued Examination (RCE) Transmittal; Fee Transmittal; Amendment B originally filed on 1/17/06; and return receipt postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22314.

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Harvey S. Kauget